

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 22 2013 ★

BROOKLYN OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
THOMAS GESUALDI, et al.,

Plaintiffs,

- against -

ORDER

11-cv-5938 (NG)(MDG)

D & E TOP SOIL & TRUCKING, INC.,

Defendant.
-----X

GERSHON, United States District Judge:

The court adopts the unopposed Report and Recommendation ("R&R") of Magistrate Judge Marilyn D. Go, dated March 26, 2013, regarding the damage award to be made to plaintiffs. As recommended by Judge Go, plaintiffs are awarded damages of \$31,717.98 in unpaid contributions; prejudgment interest of \$7,805.51 through March 31, 2013 and at a rate of \$15.64 per day until the entry of judgment; \$7,483.16 in liquidated damages; \$5,878.00 in attorneys' fees; and \$700.86 in costs, for a total judgment of \$53,585.51. Judge Go carefully reviewed all applicable considerations in finding these awards, and I endorse and adopt her analysis.

SO ORDERED.

✓
s/Nina Gershon

NINA GERSON
United States District Judge

Dated: Brooklyn, New York
April 19, 2013